

**Rule 105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes.**

If the court admits evidence that is admissible against a party or for a purpose—but not against another party or for another purpose—the court, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

**Comment to 2012 Amendment**

The language of Rule 105 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

**Cases**

105.010 Evidence that is admissible for one purpose or against one party is not to be excluded merely because it is not admissible for some other purpose or against another party.

*State v. Sanchez*, 191 Ariz. 418, 956 P.2d 1240 (Ct. App. 1997) (because implied consent form was admissible to provide foundation for defendant's breath test results, it was not inadmissible merely because it contained information about possible punishment if defendant did not take test).

105.030 The language of Rule 105 is mandatory, not discretionary; if the trial court admits evidence for one purpose but not for another, it may not refuse to give a limiting instruction.

*State v. Gomez*, 226 Ariz. 165, 244 P.3d 1163, ¶¶ 25–27 (2010) (court held defendant's submission of inadequate instruction did not waive defendant's right to limiting instruction, but because evidence was not admitted simply to support expert's opinion, limiting instruction was not required).

105.060 Failure to request a limiting instruction, and failure to object to a limiting instruction that is given, waives the issue on appeal.

*State v. Boggs*, 218 Ariz. 325, 185 P.3d 111, ¶ 36 (2008) (detective testified at trial that, during interrogation, defendant asked about statements codefendant had made; defendant contended this violated his Sixth Amendment right of confrontation; court held, because codefendant's statements were admitted not to prove truth of matters asserted, but were instead introduced to show context of interrogation, admission did not violate right of confrontation; court noted defendant neither objected to testimony nor requested limiting instruction, thus no error in not giving limiting instruction).

*State v. Boggs*, 218 Ariz. 325, 185 P.3d 111, ¶ 42 (2008) (during videotaped interrogation of defendant, detective accused defendant of lying; defendant claimed playing videotape to jurors violated his right to fair trial; court held that detective's accusations were part of interrogation technique and not for purpose of giving opinion testimony at trial, thus no error; court noted that, if defendant had requested limiting instruction, one would have been appropriate, but that defendant neither objected to testimony nor requested limiting instruction, thus no error in not giving limiting instruction).

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*State v. Prince*, 204 Ariz. 156, 61 P.3d 450, ¶¶ 7–10 (2003) (defendant was charged with murder of daughter and attempted murder of mother; trial court admitted evidence of other violent acts and threats made by defendant against mother; trial court gave instruction limiting application of that evidence to count of attempted murder of mother; defendant claimed instruction was not adequate for count of murder of daughter; court noted defendant did not object to that instruction and held instructions were adequate and there was no error and certainly no fundamental error).

*State v. Nordstrom*, 200 Ariz. 229, 25 P.3d 717, ¶ 51 (2001) (although letter from defendant to third person was admitted for limited purpose and thus defendant would have been entitled to limiting instruction, because defendant did not provide limiting instruction, defendant waived any error).

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